

OFFICIAL PROCEEDINGS

April 5, 2011

8:00 am

Chairman Ken Zander called the meeting of the Stark County Board of Commissioners to order. All members present.

Chairman Zander asked for any additions to the agenda. Chairman Zander added County Agent Roof, Road Superintendent Al Heiser added Whiting Oil Engineer, Auditor Kay Haag removed Darrell Dorgan. Comm. Hoff moved to approve the agenda with the additions. Comm. Elkin seconded. All voted Aye and the motion carried.

General: Payroll: \$135,487.93; MV Deisz Consulting: \$464.40; SBAND: \$255.00; Matthew Bender: \$53.46; West Payment Center: \$513.92; Dakota Water Treatment: \$37.75; SBM Inc: \$992.40; ND Recorder's Assoc: \$100.00; King Speed Printing: \$396.00; Xerox Corporation: \$508.36; Comfort Inn: \$323.00; B & M Security Inc: \$16.50; Berger Electric: \$180.00; Braun Distributing: \$1,184.04; City of Dickinson: \$8,682.32; Dakota Farm Equipment: \$11.40; Ecolab: \$278.84; Electric Sales & Service: \$84.88; I Spy – Tech: \$250.00; Newby's Ace Hardware: \$195.08; RJ Distributing: \$170.00; Rudy's Lock & Key: \$125.00; Runnings Supply: \$86.44; Superior Cleaners: \$70.00; MDU: \$3,268.69; NDPers: \$15,009.04; Maus & Nordsven: \$1,356.00; Ottmar & Ottmar: \$22.50; Farmers Union Oil of Bis/Man: \$2,738.67; Fleet Services: \$2,565.49; D & L Lawn Mowing: \$330.00; Temp Right Service: \$935.88; Twin City Roofing: \$389.00; Reserve Account: \$15,000.00; Alltel: \$742.22; Consolidated: \$308.10; Qwest: \$487.00; Gaffaney's Floral: \$23.50; Great Plains Directory: \$336.00; George Kuchynski: \$21.50; Midland Atlas Co: \$300.00; Pitney Bowes Inc: \$949.98; Service Printers: \$256.90; CNA Surety: \$50.00; St Alexius Medical Center: \$25,000.00; Public Sector: \$7,500.00; Dickinson Parks & Rec: \$62.40; Visa: \$452.67; DJ's Tesoro: \$50.49; T-Rex Conoco Inc: \$260.03; Belfield Sportsman Club: \$300.00; Street Crimes: \$395.00; Dan's Supermarket: \$20.99; Walmart: \$179.77; ESP Computers: \$169.95; Wanner Western Wear: \$118.00; Advanced Collision Center: \$500.00; Carquest Auto Parts: \$35.99; Just In Glass: \$228.05; Kohler Communications: \$140.90; Midas Auto Service: \$168.14; O'Reilly Auto Parts: \$5.49; Cenex Fleet Card: \$97.25; Farmers Union Oil of Richardton: \$498.80; Runnings Supply: \$1.08; Ultramax: \$1,508.00; LEC Maintenance: \$10,496.50; Gary Kostecky: \$2,400.00; Stark County Auditor (Federal Deposit): \$324.71; Sax Motor Co: \$206.75; Dickinson Press: \$40.60; Roosevelt Custer Regional Council: \$3,217.50;

10 Mill: Kadrmas, Lee & Jackson: \$28,520.04; ND Dept of Transportation: \$743.56;

County Road: Kadrmas, Lee & Jackson: \$1,149.45; Hlebechuk Construction: \$18,908.00; Onsite Improvements: \$1,070.00; North Central Rental & Leasing: \$10,095.00; Alltel: \$91.76; City of Belfield: \$19.40; City of Dickinson: \$70.25; City of Richardton: \$62.10; Consolidated: \$68.34; MDU: \$1,701.43; Roughrider Electric: \$974.00; Southwest Water Authority: \$48.86; Qwest: \$55.44; ACME Electric Co:

\$500.00; Belfield Automotive Supply: \$26.64; Creative Energy: \$35.98; Jerry Dukart: \$20.13; Newby's Ace Hardware: \$6.27; Partsmaster: \$173.15; Prairie Auto Parts: \$124.73; Randy's Trucking: \$700.00; Runnings Supply: \$176.11; Service Printers: \$139.75; Southwest Grain: \$35,707.94; Stone Mill Inc: \$7.25; Tom's Service Center: \$108.95; Basin Hydraulic: \$53.78; Beall Corporation: \$151.57; Catco: \$769.06; Dakota Filter Supply: \$208.00; Dickinson Tire: \$1,081.76; Interstate Powers: \$3,695.00; Millennium Express: \$30.09; NW Tire: \$2,912.11; Schmidt Repair Inc: \$1,548.34; Todd's Auto: \$458.50; Trucks of Bismarck: \$1,765.74; Wallwork Truck Center: \$84.76; Butler Machinery: \$2,825.95; George's Tire Shop: \$176.00; RDO Equipment: \$335.51; Safelite Fulfillment: \$180.00; B & B Sanitation: \$95.00; Berger Electric: \$997.11; Berger Sanitation: \$260.00; Central Mechanical: \$1,405.81; JP Steel & Supply: \$3.60; Laker Chemical Inc: \$739.50; Praxair: \$469.11; Rummel Auto Wrecking: \$39.60; Tescher Pipe Inc: \$395.00; Todd's Auto: \$271.00; West Dakota Oil: \$262.93; Country Media Inc: \$43.56; Dickinson Press: \$169.40; Hotline Printing: \$59.00; Payroll: \$187.80;

Highway Tax Distribution: Payroll: \$71,445.97; NDPers: \$14,990.71;

Special Road & Bridge: Fisher Sand & Gravel: \$117,113.85;

Social Welfare: American Bank Center: \$200.00; Ralph Craig: \$203.00; NDPers: \$38,506.85; Payroll: \$165,980.99; Southwest Area Support Staff: \$72.00; Misty Oberman: \$300.00; Sunrise Youth Bureau: \$240.00; Super 8 Motel: \$370.83; Social Services: \$10,415.41; ND Dept of Human Services: \$5,025.25;

County Poor: ND Dept of Human Services: \$27,575.08;

IT – Computer/Updates: NDACO Resources: \$374.00; NDPers: \$1,207.40; Stark County Auditor (Federal Deposit): \$341.75; Alltel: \$93.53; Consolidated: \$138.95; ESP Computers: \$193.80; Hewlett-Packard: \$5,664.00; SBM Inc: \$33.65; Information Technology Dept: \$1,235.40; Official Payment Center: \$225.00; Payroll: \$4,723.99;

Capital Improvement: Allan's Decorating: \$5,237.19; Denny's Electric: \$1,768.50; Kadrmas Lee & Jackson: \$730.12; Tooz Construction: \$7,128.00; Dickinson Rural Fire District: \$25,000.00; Richardton Rural Fire District: \$15,000.00;

Infrastructure: South Heart School District: \$17,340.29;

Fair Board: Stark County Fair Board: \$3,117.61;

County Jail: SWMCCC: \$60,542.38; St Joseph's Hospital: \$178.00;

Insurance: American Insurance Center: \$828.00;

Comp Health: NDPers: \$18,559.56; Blue Cross Blue Shield: \$155.50;

VSO Fund: Payroll: \$3,139.16; SBM Inc: \$22.28;

Social Security: Stark County Auditor (Federal Deposit): \$27,255.47;

Advertising: Dickinson Press: \$168.00;

County Agent: Payroll: \$4,237.04; NDPers: \$392.37; Kurt Froelich: \$664.42; Dixie Schulz: \$14.79; Stark-Billings Co 4-H: \$183.93; Samantha Roth: \$30.00; Consolidated: \$164.76; Bottom Line: \$39.00; Cole Papers Inc: \$47.59; SBM Inc: \$100.46; Walmart: \$.98; Advanced Business Methods: \$1,285.43; Center for 4H Youth: \$50.00; Kirsten Hansen: \$134.00;

Weed Control: Payroll: \$5,886.75; NDPers: \$2,033.95; Alltel: \$22.23; Walmart: \$8.94; Stark County Auditor (Federal Deposit): \$188.44;

9-1-1: Payroll: 2,916.62; NDPers: \$1,103.77; Stark County Auditor (Federal Deposit): \$195.84; City of Dickinson: \$7,753.93; Comfort Inn: \$63.00; ND APCO: \$45.00; Qwest: \$1,605.90; Consolidated: \$503.00; Reservation Telephone: \$80.00; NDACO: \$10,054.18; Walmart: \$.66; Gary Kostecky: \$600.00;

Adult Education: Dan's Supermarket: \$28.77; Elks 1137: \$42.50; NDSU Extension Program: \$1,120.00; Ag Communication: \$112.50; Agribusiness & Applied Economics: \$40.00;

Fingerprint Station: Safariland LLC: \$199.70;

Juvenile Alcohol Grant: Payroll: \$556.38;

Traf Safety Grant: Payroll: \$540.46;

Oil Impact Grant: Payroll: \$391.32;

ICAC Investigation: Payroll: \$340.01;

Cops Grant: Payroll: \$3,392.64; NDPers: \$1,226.56; Stark County Auditor (Federal Deposit): \$259.54;

Game & Fish: ND Game & Fish Dept: \$4,136.00;

SW Victim Witness Program: SBM Inc: \$190.39; NDPers: \$709.75; Alltel: \$80.35; Consolidated: \$3.64; Payroll: \$4,222.85; Stark County Auditor (Federal Deposit): \$311.10;

DVRCC: Domestic Violence: \$925.00;

Preservation Fund: Cass County Treasurer: \$2,106.00; Consolidated: \$49.95; Payroll: \$230.31;

State Reimbursements: Thomas Grosz: \$25.00; Jayden Peters: \$25.00; Kayla Moos: \$112.75; Tara Pearson: \$128.50;

Siren Contingency: Denny's Electric: \$1,042.30; Roughrider Electric: \$311.00;

Other Reimbursements: Advanced Collision Center: \$1,602.54; West Payment Center: \$118.23; Consolidated: \$182.03; SBM Inc: \$10.29; Zach A Decker: \$36.00; Office of Attorney General's Office: \$1,105.00; Jesse Lee Thompson: \$10.00;

911 Equipment: Consolidated: \$253.65;

Comm. Wolf moved to approve the minutes from the March 1, 2011 meeting. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Kuntz moved to accept the accounts payable plus the supplement as presented. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

Pat Rummel, Billings County Emergency Manager, introduced Mick Gilseth as the new Paramedic/Ambulance Director for the City of Belfield, Billings County and Stark County. Comm. Hoff moved to approve Mick Gilseth as the Paramedic/Ambulance Director. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy gave an update on the task force, monthly transports and court room security.

Sheriff Clarence Tuhy introduced the two new deputies to his staff, Ernie Shear and Jeff Butman.

Sheriff Clarence Tuhy requested out-of-state travel in June 2011 for Deputy Weiler to attend canine training in Montana. Comm. Hoff moved to approve the out-of-state travel for Deputy Weiler. Comm. Kuntz seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy requested out-of-state travel in October 2011 for two deputies to attend criminal investigation training in Minnesota. Comm. Wolf moved to approve out-of-state travel for two deputies. Comm. Elkin seconded. All voted Aye and the motion carried.

Sheriff Clarence Tuhy discussed the three vehicles he ordered. The Commission directed Sheriff Tuhy to trade in only two vehicles.

Sheriff Clarence Tuhy requested hiring two deputies and one sergeant. Comm. Hoff moved to approve the hiring of one deputy with emphasis of duties to truck regulatory. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Tim Kelly, Kadrmas, Lee & Jackson, gave the engineer's report and reported on bridge funding legislation.

Road Superintendent Al Heiser discussed the costs of a box culvert project to be split with Whiting Oil and Gas Corporation.

Road Superintendent Al Heiser discussed purchasing a truck regulatory scale for approximately \$40,000 and the funds to be taken from Special Road & Bridge.

Road Superintendent Al Heiser asked for direction regarding our engineer reviewing new construction sites. The consensus was to look at it on a case-by-case basis.

Comm. Wolf moved to authorize the Veterans Service Office to advertise the hiring of an Assistant Veterans Service Officer. Comm. Hoff seconded. All voted Aye and the motion carried.

Comm. Wolf moved to authorize Chairman Zander to sign the Veteran Service Office Joint Powers Agreement between Stark County and Billings County and to amend the agreement to be reviewed on a yearly basis. Comm. Elkin seconded. All voted Aye and the motion carried.

Comm. Elkin moved to authorize Chairman Zander to sign the Energy Impact Grant for submission. Comm. Kuntz seconded. All voted Aye and the motion carried.

Chairman Zander recommended advertising for bids for the repair/replacement of the roof on the County Agent building and funds to be taken from Capital Improvement. Comm. Elkin moved to advertise for bids for the County Agent roof. Comm. Hoff seconded. All voted Aye and the motion carried.

Bid opening was held for hot bituminous pavement. One bid was submitted by Northern Improvement Company. Comm. Hoff moved to accept the bid from Northern Improvement Company and put on file. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for project CP-4510(11)01. Two bids were submitted.

Northern Improvement Company, Dickinson ND	\$878,317.27
Knife River Corporation, Sauk Rapids MN	\$937,268.97

Comm. Hoff moved to award the bid to Northern Improvement Company contingent on the review of specifications. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Bid opening was held for project CP-4524(010)01. Five bids were submitted.

Martin Construction, Gladstone ND	\$558,207.16
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Gratech Company, Berthold, ND	\$633,556.94
Onsite Improvements, Dickinson ND	\$479,586.95
Wilson Construction, Scranton ND	\$488,825.48
Edward H Schwartz Construction, New England ND	\$539,487.04

Comm. Elkin moved to award the bid to Onsite Improvements contingent on the review of specifications. Comm. Wolf seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Zander opened the public hearing for a request from Southwest Grain for a five year 100% tax exemption. Comm. Elkin and Comm. Hoff abstained from the request. Chairman Zander closed the public hearing. Comm. Wolf moved to accept the five year 100% tax exemption for Southwest Grain. Motion failed due to lack of second. Comm. Kuntz moved to approve the five year exemption as follows; year one and two at 100%, year three at 75%, year four at 50% and year five at 25%. Roll call vote. Chairman Zander, Comm. Wolf, and Comm. Kuntz voted Aye and the motion carried.

Wayne Brede, Public Sector Personnel Consultants, gave an update on the salary survey for Stark County.

Gary Kostelecky, Interim Emergency Manager, introduced Bill Fahlsing as the new Emergency Manager/9-1-1 Coordinator.

Tina Johnson, City Finance Director, presented a property tax abatement from the City of Dickinson for the W2 Lot 5 Block 4 Gress's 2nd Subdivision Section 10. A reduction from \$149,100 to \$132,800 was given on the valuation to the property for the 2010 tax year. Comm. Elkin moved to accept the City of Dickinson's recommendation of a reduction on the valuation to the property for the 2010 tax year. Comm. Kuntz seconded. Roll call vote. All voted Aye and the motion carried.

Shawn Kessel, Dickinson City Administrator introduced Joe Hirschfeld as the new City Assessor and Ed Courton as the new City Planner.

Shawn Kessel, Dickinson City Administrator, asked for a Commissioner to be part of their Comprehensive Plan Committee. Comm. Elkin will join the committee.

Kevin Thompson, Dickinson State University, gave an update on the Teddy Roosevelt statue.

Kevin Thompson, Dickinson State University, discussed Stark County acting as the pass-thru agency for a Tax Exempt Bond.

Arnie Binek, Park Board Chairman, reported Mark Selle is the new Roughrider Racing Association President and Luke Krogh is the new Southwest Moto-Cross Association President.

Comm. Elkin presented a recommendation from the Zoning Board to deny Cary Reindel's request to amend zoning from Residential Low Density to Residential Medium Density to construct a multi-family dwelling. The location being on Lots 9, 10, 11 and 12 Block A Lefor. Comm. Elkin moved to accept the Zoning Boards recommendation to deny Cary Reindel the zoning change from Residential Low Density to Residential Medium Density. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Northern Improvement Company's request for a Conditional Use Permit for a temporary site to be used for stockpiling and crushing pavement during the 2011 construction on I-94. The location being approximately 20 acres in the SE4SE4 Section 2, Township 139, Range 93. Comm. Hoff moved to accept the Zoning Boards recommendation to approve Northern Improvements Conditional Use Permit. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve Whiting Oil and Gas Corporation's request for a zoning change from Agricultural to Industrial for the location of an oil terminal site, temporary liquid site and a fresh water storage site. The location being 30 acres located in the N2 Section 14, Township 140, Range 99. Comm. Elkin moved to accept the Zoning Boards recommendation to approve Whiting Oil and Gas Corporation's zoning change from Agricultural to Industrial. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Suzanne Medley's request for a zoning change from Agricultural to Industrial, with conditions on a provision of a plat map. The location being approximately 150 acres in Lots 7, 8, 9 and 10 Section 4, Township 140, Range 96. Comm. Hoff moved to accept the Zoning Boards recommendation to approve Suzanne Medley's zoning change from Agricultural to Industrial, with conditions on a provision of a plat map. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve Paul Kuntz's request for a Conditional Use Permit with current zoning as Agricultural to place up to ten campers for housing from April to November. The location being Section 2, Township 140, Range 99 on the north side of the farmstead. Comm. Elkin moved to accept the Zoning Boards recommendation to approve Paul Kuntz's request for a Conditional Use Permit limited to one year. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Lufkin Industries' request for a Replat of Reiter's Subdivision. The location being a portion of Reiter's Subdivision Block 3 and part of Block 4, E2SE4 Section 9, Township 140, Range 96. Comm. Hoff moved to accept the Zoning Boards recommendation to approve Lufkin Industries' request for a Replat of Reiter's Subdivision. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Elkin presented a recommendation from the Zoning Board to approve William Reiter's request for a Replat of Reiter's Subdivision. The location being a portion of Reiter's Subdivision Block 3 and part of Block 4, E2SE4 Section 9, Township 140, Range 96. Comm. Elkin moved to accept the Zoning Board's recommendation to approve William Reiter's request for a Replat of Reiter's Subdivision. Comm. Hoff seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Dean Burwick's request for a Conditional Use Permit with current zoning as Residential/Agricultural for the purpose of storage, sales and service of a trailer business consisting of gooseneck and bumper pull trailers. The location being 7.79 acres in a Tract SW4SE4 Section 4, Township 139, Range 97. Comm. Hoff moved to accept the Zoning Board's recommendation to approve Dean Burwick's request for a Conditional Use Permit limited to one year. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Hoff presented a recommendation from the Zoning Board to approve Steve Manning's request for a zoning change from Residential/Agricultural to Residential Medium Density for a multi-family dwelling and a Conditional Use Permit for approximately two mobile homes. The location being 10 acres located in the SE4SE4NE4 Section 14, Township 138, Range 96. Comm. Hoff moved to accept the Zoning Board's recommendation to approve Steve Manning's request for a zoning change from Residential/Agricultural to Residential Medium Density and a Conditional Use Permit limited to one year and limited to three mobile homes. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Comm. Wolf moved to adjourn into Executive Session. Comm. Kuntz seconded. All voted Aye and the motion carried.

The Board recessed at 11:05 AM for an Executive Session.

The Board reconvened at 11:15 AM.

Items discussed in the Executive Session were regarding a lawsuit with St. Alexius Medical Center. A medical bill for approximately \$73,000 was negotiated and reduced to \$25,000. This releases Stark County of all claims with St. Alexius Medical Center. Insurance and legal council recommends the Commission accept the \$25,000 medical bill. Comm. Wolf moved to accept the settlement of \$25,000 and to authorize Chairman Zander to sign the Release Of All Claims of St. Alexius Medical Center. Comm. Elkin seconded. Roll call vote. All voted Aye and the motion carried.

The following **Miscellaneous Receipts** were filed: General: \$161,844.80; 10 Mill: \$19,892.85; County Road: \$131,854.39; Highway Tax Distribution: \$211,830.75; Special Road & Bridge: \$5,976.64; Social Services: \$47,344.76; Social Services: \$83,233.54; IT-Computer/Updates: \$775.15; Capital Improvement: \$66,127.23; Infrastructure: \$12,000.87; County Park: \$7,026.27; County Jail: \$15,175.99; Insurance:

\$33,631.64; Comp Health: \$8,291.13; Emergency: \$1,992.21; VSO: \$2,636.75; Social Security: \$17,402.57; Advertising: \$1,025.40; County Agent: \$4,728.97; Weed Control: \$6,060.89; 911 Revenue: \$22,933.52; Adult Education: \$993.00; FingerPrint Station: \$408.00; Domestic Violence: \$770.00; Juvenile Alcohol Grant: \$556.36; Cops Grant: \$10,774.84; Estimate Tax: \$4,069.97; Game and Fish: \$1,518.00; SW Victim Witness Program: \$6,963.47; Domestic Violence Rape Crisis Center: \$925.00; Preservation Fee: \$3,027.00; State Reimbursement: \$387.00; Other Reimbursements: \$1,288.03; 911 Equipment: \$7,644.51;

Comm. Hoff moved to adjourn. Comm. Kuntz seconded.

Kay Haag, Auditor

Ken Zander, Chairman